

DELTA PROTECTION COMMISSION

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Revised November 8, 1996
September 15, 1995

To: Delta Protection Commission

From: Margit Aramburu, Executive Director

Subject: Staff Report and Preliminary Staff Analysis on Proposed
General Plan Amendment of the CITY OF STOCKTON
(For Public Hearing)

Background:

The Delta Protection Act states that within 180 days of the adoption of the regional plan, all local governments shall submit to the Commission proposed amendments which will cause their general plans to be consistent with the criteria in Section 29763.5 with respect to land located within the Primary Zone. The 180th day was August 22, 1995.

The Commission shall approve by a majority vote of the Commission membership, proposed general plan amendments of a local government, as to land within the Primary Zone, only after making all of the following written findings regarding the general plan and any development approved or proposed that is consistent with the plan:

- a. consistent with the regional plan (Land Use and Resource Management Plan for the Primary Zone of the Delta).
- b. will not result in wetland or riparian loss.
- c. will not result in the degradation of water quality.
- d. will not result in increased nonpoint source pollution.
- e. will not result in the degradation or reduction of Pacific Flyway habitat.

- f. will not result in reduced public access, provided the access does not infringe on private property rights.
- g. will not expose the public to increased flood hazard.
- h. will not adversely impact agricultural lands or increase the potential for vandalism, trespass, or the creation of public or private nuisances on public or private land.
- i. will not result in the degradation or impairment of levee integrity.
- j. will not adversely impact navigation.
- k. will not result in any increased requirements or restrictions upon agricultural practices in the primary zone.

Description of Lands within the City Limits:

The lands within the City Limits of the City of Stockton and the Primary Zone of the Delta include: the City's existing Waste Water Treatment Plant oxidation ponds (approximately 718 acres) and a 1.9 acre parcel owned by Mario Jacques (see attached map).

Existing General Plan:

The General Plan designates the ponds "Institutional" and Jacques parcel as "Industrial".

Existing Zoning:

The ponds are zoned "Public Lands" and the Jacques property is zoned "M-1, Light Industrial". The City could continue the holding pond use or consider other public facilities under the current zoning. Under the Public Lands zoning "any use which the public agency requires for its operation...any use compatible to public agency operations and under control of a public agency."

Proposed General Plan Amendment:

The City is proceeding with City (Planning Commission public hearing on November 14, 1996 and City Council tentative vote on December 23, 1996) consideration of a proposed General Plan amendment which would state:

Future changes to the City's General Plan and Zoning Code for lands in the City located within the Primary Zone of the Delta, as defined by the Delta Protection Act of 1992, shall be consistent with the goals of and comply with the Plan adopted pursuant to Section 29763.5 of the Delta Protection Act of 1992.

Analysis in Comparison with the Commission's Adopted Plan:

The oxidation ponds are in public ownership and are being upgraded, indicating continued long term use by the City. About half the Jacques parcel is already developed with a warehouse structure.

The adopted regional plan states: "Where portions of Cities are located with the Primary Zone, Cities shall indicate zoning which was in place on January 1, 1992. Future changes to City General Plans or zoning ordinance shall conform to the adopted Land Use and Resource Management Plan" (Agriculture Policy P-12).

Analysis of Any Potentially Significant Adverse Environmental Impacts Resulting from the Proposal Which Were not Previously Addressed in the Commission's Planning Documents:

The proposed General Plan amendment would bring the City's General Plan into conformance with the Commission's Plan and Act; there would be no potentially significant adverse environmental impacts resulting from the proposal which were not previously addressed in the Commission's planning documents.

Preliminary Staff Recommendation:

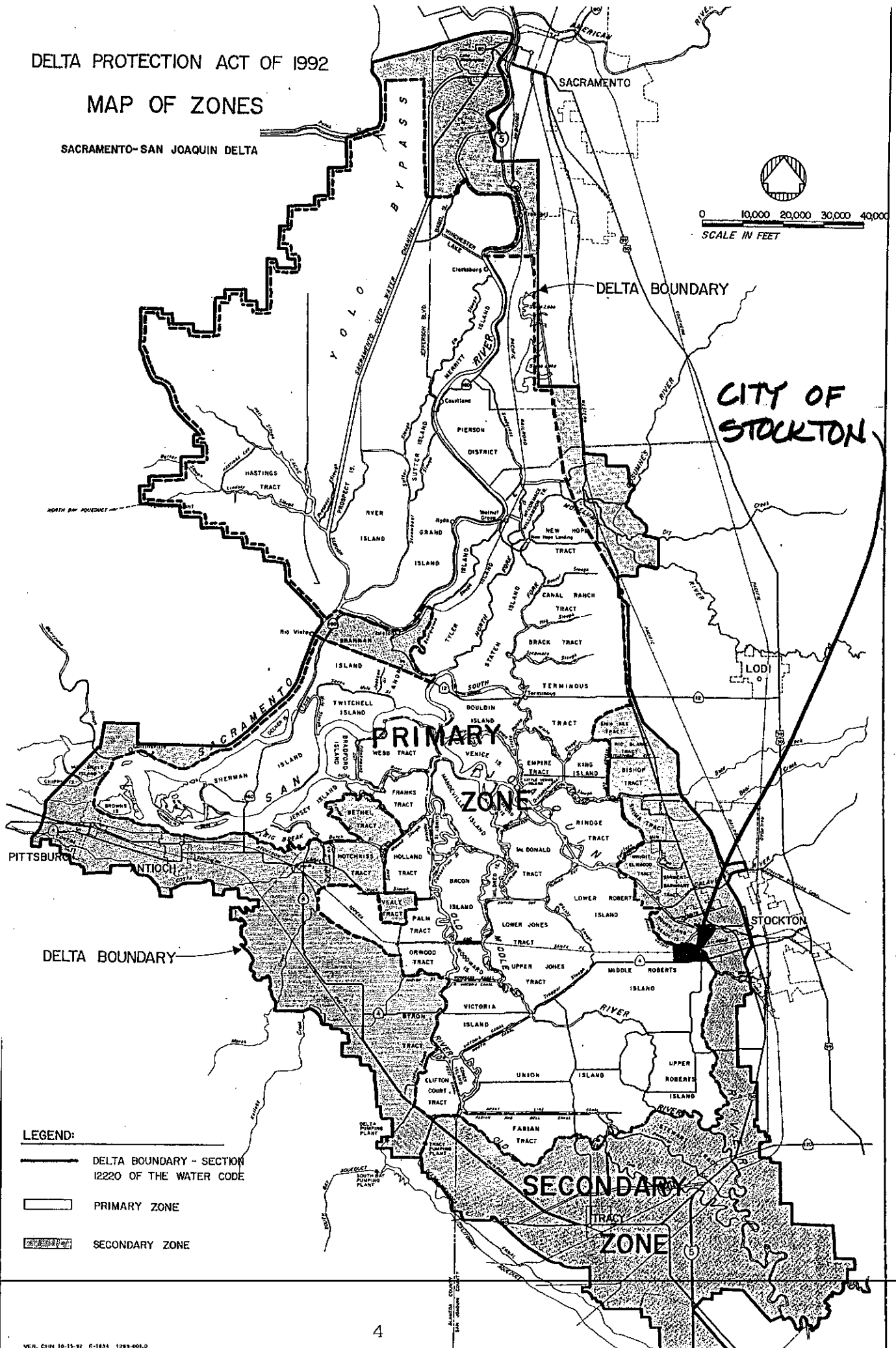
Preliminarily, staff is prepared to recommend approval, if formally submitted as set forth above.

Attachment

DELTA PROTECTION ACT OF 1992

MAP OF ZONES

SACRAMENTO-SAN JOAQUIN DELTA



LEGEND:

- DELTA BOUNDARY - SECTION 12220 OF THE WATER CODE
- PRIMARY ZONE
- SECONDARY ZONE